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Promotion and protection of the rights of children

Status of the Convention on the Rights of the Child

Report of the Secretary-General

Summary

The General Assembly, by its resolution 44/25 of 20 November 1989, adopted the Convention on the Rights of the Child. The Convention was opened for signature in New York on 26 January 1990 and entered into force on 2 September 1990, the thirtieth day after the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

Further, the Assembly, by its resolution 54/263 of 25 May 2000, adopted two optional protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

Contents

		Paragraphs	*Page*
I.	Introduction	1	2
II.	Status of the Convention on the Rights of the Child	2–4	2
III.	Implementation of the Convention on the Rights of the Child	5–10	2

* A/58/150.

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I. Introduction

1. In its resolution 57/190, the General Assembly welcomed the outcome of its special session on children, and welcomed the pace of ratification of the two Optional Protocols to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict, respectively. It also called upon States parties to the Convention on the Rights of the Child to comply with their reporting obligations and to take into account the recommendations of the Committee in the implementation of the Convention; reaffirmed the General Assembly decision to conduct an in-depth study on the question of violence against children; and requested the Secretary-General to submit to it at its fifty-eighth session a report on the status of the Convention on the Rights of the Child and the Optional Protocols thereto.

II. Status of the Convention on the Rights of the Child

2. As at 2 July 2003, the Convention on the Rights of the Child had been ratified or acceded to by 192 States. In addition, two States had signed the Convention.[1]

3. As at 2 July 2003, the Optional Protocol to the Convention on the involvement of children in armed conflict had been ratified by 53 States and signed by 111 States and the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography had been ratified by 52 States and signed by 105 States.[2]

4. On 18 November 2002, the amendment to article 43, paragraph 2, of the Convention increasing the membership of the Committee from 10 to 18 members (General Assembly resolution 50/155) entered into force. New members of the Committee were elected at the ninth meeting of States parties that was held on 10 February 2003 at United Nations Headquarters (for further information see CRC/C/129).

III. Implementation of the Convention on the Rights of the Child

5. In its resolution 2003/86, the Commission on Human Rights, profoundly concerned that the situation of children in many parts of the world remains critical as a result of the persistence of poverty, inadequate social and economic conditions in an increasingly globalized world economy, pandemics, in particular HIV/AIDS, natural disasters, armed conflicts, displacement, exploitation, illiteracy, hunger, intolerance, discrimination, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for, inter alia, urged the States that have not yet done so to consider signing and ratifying or acceding to the Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography. Further, the Commission requested the Office of the United Nations High Commissioner for Human Rights, United Nations mechanisms, all relevant organs of the United Nations system, in particular special representatives, special rapporteurs and working groups, regularly and systematically to include a child

rights perspective in the fulfilment of their mandates, and called upon States to cooperate closely with them; reaffirmed the importance of ensuring adequate and systematic training in the rights of the child for law enforcement and other professions whose work has an impact on children, as well as coordination between various governmental bodies; called upon all States to put an end to impunity, where applicable, for all crimes, including where children are victims, in particular those of genocide, crimes against humanity and war crimes, and to bring perpetrators of such crimes to justice; requested the independent expert to conduct the study on the question of violence against children as soon as possible; invited him to be based in Geneva in order to enhance his collaboration with the Office of the United Nations High Commissioner for Human Rights, the United Nations Children's Fund and the World Health Organization; invited Member States, United Nations bodies and organizations, including the Committee on the Rights of the Child, as well as other relevant intergovernmental organizations, to provide substantive and, where appropriate, financial support, including through voluntary contributions, for the effective conduct of the study; invited non-governmental organizations to contribute to the study, taking into account the recommendations of the Committee on the Rights of the Child made following the general discussions on violence against children held in September 2000 and 2001; and encouraged the independent expert to also seek the participation of children in the study, taking into account their age and maturity. The Commission decided, with regard to the Committee, to request the Secretary-General to ensure the provision of appropriate staff and facilities from the United Nations regular budget for the effective and expeditious performance of the functions of the Committee, and invited the Committee to continue to enhance its constructive dialogue with the States parties and its transparent and effective functioning.

6. The Committee on the Rights of the Child held its thirty-first, thirty-second and thirty-third sessions at the United Nations Office at Geneva from 16 September to 4 October 2002, 13 to 31 January 2003, and 19 May to 6 June 2003, respectively.[3]

7. In conformity with rule 75 of its provisional rules of procedure, the Committee on the Rights of the Child has decided periodically to devote one day of general discussion to a specific article of the Convention or to a theme related to the rights of the child in order to enhance understanding of the contents and implications of the Convention.

8. At its thirty-first session, the Committee devoted one day of its general discussion to the theme, "The private sector as service provider and its role in implementing child rights". Following the general discussion day, the Committee adopted a set of recommendations (see CRC/C/121, para. 653).

9. At its thirtieth session, the Committee on the Rights of the Child adopted a recommendation regarding the periodicity of submission of reports which complemented the one adopted on the same issue at its twenty-ninth session (see CRC/C/114). It decided, on an exceptional basis, to allow States parties whose periodic report is long overdue to combine their second and third periodic reports (fourth, when necessary) in order to catch up with their reporting obligations as foreseen in article 44, paragraph 1, of the Convention. At its thirtieth session it also adopted a recommendation requesting States parties to limit the length of their periodic reports to 120 pages maximum (see CRC/C/118).

10. The Committee continued its practice to send a letter to all States parties whose initial reports were due in 1994, requesting them to submit that report within one year. The Committee further decided to inform those States parties in the same letter that, should they not report within one year, the Committee would consider the situation of child rights in the State in the absence of the initial report, as foreseen in the Committee's "Overview of the reporting procedures" (CRC/C/33, paras. 29-32) and in the light of rule 67 of the Committee's provisional rules of procedure (CRC/C/4).

Notes

[1] For the list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, see www.ohchr.org.

[2] For the list of States that have signed, ratified or acceded to the Optional Protocols to the Convention, as well as the dates of their signature, ratification or accession, see www.ohchr.org.

[3] For the reports of the Committee on these sessions, see CRC/C/121, CRC/C/124 and CRC/C/129, respectively.